

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
MINUTES
JULY 13, 2004
Draft

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Sauls presiding. Present were Commissioners Thael, Maloy, Winchester, Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal.

Invocation was provided by Mr. Floyd Heaton, Leon County Assembly of the Baha'I Faith at the invitation of Commissioner Rackleff. It was followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- Commissioner Thael presented the attached resolution honoring U.S. Postal Service Workers as the celebrate National Postal Workers Appreciation Day (July 1, 2004) and the 229th Anniversary of the U. S. Postal Service:

The attached resolution was presented honoring Leon County Mail Couriers, Linda Braswell and Kent Gilliam:

- The attached resolution was presented congratulating Helen Moeller, Library Director, and Library staff on the Florida Library Association's 2004 Betty Davis Miller Award for the "Baby Time" Story Time Program:

Consent Agenda

Commissioner Proctor moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve the following consent agenda with the exception of Items 4, 9, 10, 15, 22, 25, and 27, which were addressed as described below: (The Chairman noted that a speaker card was submitted for Item 10.)

1. Approval of Minutes

The Board approved Option 1: Approve the Minutes of April 20, 2004 District 1 Meeting; April 22, 2004 Joint City/County Comp Plan Amendments, Cycle 2004-2; May 11, 2004 Regular Meeting; May 25, 2004 Regular Meeting; June 8, 2004 Regular Meeting.

2. Approval of Bills and Vouchers

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for July 13, 2004, and pre-approve payment of bills and vouchers for the period July 14, 2004 through July 26, 2004. \$16,989,492.78

3. Approval of Sheriff's Request to Transfer Law Enforcement Trust Fund Monies in the Amount of \$20,900 to the Sheriff's General Operating Budget for Disposition of Liens and Forfeited Property

The Board approved Option 1: Approve the transfer of \$20,900 from the Law Enforcement Trust Fund to the Sheriff's Department General Operating budget for the funding of the requested programs (Sheriff's Office vice Unit, Capital City Youth Services, School Resource Officers, Drunk Driving Prevention Advertising Campaign).

4. Consideration of the Non-Mandated Local Match Funding Request from the Apalachee Center in the Amount of \$204,400

Leon County's current annual obligation is \$387,400 under the existing contract with Apalachee Center. Apalachee Center is requesting an additional local match of \$204,400 to support a \$1 million allocation in funding approved by the 2004 Florida Legislature for expansion of the Crisis Stabilization Unit (CSU). The Apalachee Center presents the local match as a mandated funding request. After review by the County Attorney's Office, it is his legal opinion that Leon County is not obligated. Staff's recommendation was to not approve the non-mandated local match funding request from Apalachee Center.

Commissioner Thaelle stated that the Executive Director of Apalachee Center has requested that this item be pulled for discussion. There is a dispute as to whether this is a mandated local match.

Commissioner Thaelle moved and was duly seconded by Commissioner Proctor to continue this item for two weeks and encourage dialogue between staff and Apalachee Center to come to a resolution of this matter before the next meeting. Later in the discussion, County Administrator Alam suggested that the item be continued until September 14, 2004 and Commissioner Thaelle amended his motion to continue to September 14th and Commissioner Maloy concurred.

Ron Kirkland, 4511 Dover Road, Havana, Florida, Executive Director of Apalachee Center appeared and stated that in 1996, the Board and the Center engaged in discussions regarding the need for the this service and matching dollars. Mr. Kirkland referred to his email regarding the County's responsibility of matching the funds. He explained that the request is the same one that the center has made to the Board historically for some 20 years, although the funding request has increased this year. He explained that Tallahassee Memorial Hospital has sent a letter to the State stating that they would withdraw as a private

receiving facility if additional funding was not appropriated to meet the needs of this county and money was allocated to expand the facility by ten beds (18 beds to 28 beds). Mr. Kirkland opined that according to State Statutes, there is a local obligation for local governing bodies to match state funds after other available matches have been taken into consideration. He provided information to the County which explained how the additional match of \$204,400 was derived.

Commissioner Thaelle stated that the Jail should not be housing mental health patients. Commissioner Grippo suggested that other sources than the County be identified for local match.

The Board engaged in discussion on matching funds and debated the issue of whether or not it involved a mandate. County Administrator Alam explained that over the years, the County seems to be the only entity providing the local match; he suggested that the match should also be provided by the City and other sources. He also pointed out that the County has a contract with Apalachee Center to provide a yearly match of \$387,000 and questioned how the additional \$204,000 would affect the contract.

The motion, as amended, carried unanimously, 6/0 (Commissioner Winchester was out of Chambers).

5. Acceptance of a Grant from the Department of Children and Families (DCF) to Supplement Funding for the Family Visitation Program

The Board approved Options 1 and 2: Accept the DCF Grant to supplement funding for the Family Visitation Program of Tallahassee; 2) Approve the attached budget resolution and associated budget amendment request to establish spending authority.

6. Acceptance of State Homeland Security Grant

This agenda item seeks Board acceptance of a Federally Funded subgrant agreement to perform specified eligible Homeland Security activities, in accordance with the State Homeland Security Grant from the FDCA.

The Board approved Options 1, 2, and 3: 1) Accept the Federally funded subgrant agreement in the amount of \$182,674 and authorize the Chairman to execute; 2) Designate the Emergency Management Director as the agreement representative and authorize the agreement representative to execute any modifications on behalf of the Board; 3) Approve the attached resolution and associated budget amendment request:

7. Acceptance of FY 2003-2204 Second Quarter Status Report for the Tourist Development Council (TDC)

The Board approved Option 1: Accept the Second Quarter, FY 2004 Status Report for the Tourist Development Council.

8. Acceptance of Pedestrian and Bicycle, Drainage, Conservation, and Access Easements, and Warranty Deed Submitted by Bradfordville-Phipps, Lt.

This item requests approval and acceptance of a pedestrian and bicycle easement, 2 drainage easements, 2 conservation easements, and an access easement, which were submitted by Bradfordville Phipps, Ltd. (Leon County and Bradfordville-Phipps entered a settlement agreement on May 8, 2002 that provides, in part, for an easement for pedestrian and bicycle uses.) The drainage easements, conservation easements and access easements are consistent with the requirements and conditions for the Environmental Management Act, and are conditions of the DRC Site and Development Plan approval for the Target Development.

The Board approved Option 1: Approve the proposed easements and authorize staff to record them in the Public Records.

9. Consideration of the Request for Reimbursement of Attorney's Fees, Pursuant to Policy No. 03-02, by Commissioner Rudolph Maloy

This item is whether to approve the request for reimbursement of attorney's fees and costs by Commissioner Maloy pursuant to Board Policy No. 03-02 in the amount of \$3,876.87. Commissioner Maloy pulled this item and asked the County Attorney if he could vote on this issue without it being a conflict of interest. County Attorney Thiele opined that it would not be a conflict if he voted on staff's recommendation.

Commissioner Maloy stated, for the record, that this request for reimbursement was not tied to the ethic complaints filed by Eugene Danaher as suggested by the agenda item.

Bruce A. Minnick, 9017 Eagles Ridge Drive, attorney representing Commissioner Maloy, appeared and stated that the agenda item is the bill he submitted to the Board. He stated that under the County's Policy, Commissioner Maloy is entitled to recover the fees since he was cleared of sexual harassment charges. Mr. Minnick pointed out that waiting for the results of Mr. Danaher's ethics complaint before making a decision on this item was not appropriate. If the Board does not make a decision, Mr. Minnick stated that he would seek recourse elsewhere.

County Attorney Thiele explained that it is his position that the Ethics Commission charges and maybe the Elections Commission charges arise out of the same set of facts. Those issues are sufficiently enter-twined and he did not want the Board to take action that would disrupt or otherwise affect the proper review and a decision ultimately made by the Ethics Commission.

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff to approve Option 1: Continue the request until both the ethics complaint and the Elections Law complaint have been adjudicated.

Commissioner Proctor stated that as long as Commissioner Maloy is a candidate on the upcoming election, it appears that this issue will not be reconciled, and the reimbursement of attorney's fees will be a backdrop serving against his candidacy.

Commissioner Proctor moved a substitute motion to approve Option 2: Approve the request for reimbursement of attorney's fees and costs submitted on behalf of Commissioner Maloy by Bruce A. Minnick, Esq., dated June 17, 2004. (Commissioner Maloy state for the record that he would like to second the motion but could not do so nor could he vote on the current motion since it could constitute a conflict of interest.) The substitute motion failed for lack of a second.

Commissioner Thael stated, for the record, that he has never supported paying the legal bills involving this issue.

Commissioner Thael moved a substitute motion to continue this item and direct the County Attorney to conduct an analysis of the bill pursuant to Board policy and bring the issue back to the Board on July 27, 2004. The substitute motion failed for lack of a second.

Mr. Minnick offered to reduce the bill by \$1,000 if the Board would vote, tonight, to either approve or disapprove the bill.

The vote on the original motion (approval of Option 1) carried 4 – 3 (Commissioners Proctor, Maloy, and Thael voted in opposition).

10. Consideration of Owners' Counteroffers for Acquisition of Parcels Needed for Orange Avenue Widening Project

This agenda item seeks Board consideration of the counteroffers received from two separate property owners to settle the eminent domain lawsuits commenced by the County for the acquisition of a portion of their property, identified Parcels 118/718/818 and Parcels 123/723/823, needed for the construction of the Orange Avenue Widening Project (the Road Project). Staff recommended Options 1 and 2: 1) Reject \$140,000 counteroffer by Trinity Missionary Baptist Church for the acquisition of Parcels 118/718/818 and proceed with the eminent domain litigation; 2) Reject \$674,000 counteroffer by Greater Love Church of God in Christ for the acquisition of Parcels 123/723/823 and proceed with the eminent domain litigation. County Administrator explained that staff believes that the counteroffers are in excess of the actual value of the properties and is the reason for recommending that the counteroffers be rejected.

Cindy H. Rios, 1702 Golf Terrace Drive, land planning consultant for the Greater Love Church of God in Christ, Inc. appeared and spoke about the loss of church land and functionality of the property. The church currently has about 36 feet in the front yard and the new right-of-way line will go through the front yard which is the processional area up to the church. Ms. Rios showed renderings and suggested that other churches are not constructed in such a manner; the church needs more reconstruction than what the County is proposing and that is why the costs are different.

County Attorney Thiele explained that if Orange Avenue is going to be widened, the County would have to take this property, in whole or in part. Commissioner Proctor suggested that litigation costs could end up costing more than the counteroffers.

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to defer action to the County Attorney's Office to work out and negotiate a contract with the property owners.

The Board entered public hearing, Item 49.

11. Ratification of Board Actions Taken at the May 27, 2004 Workshop on Leon County Banking Services

This item requests Board ratification of actions taken at the May 27, 2004 workshop with Clerk of the Circuit Court, Bob Inzer, to discuss the County's Banking Services and the process with criteria utilized for the selection of a financial institution.

The Board approved Option 1: Accept Board recommendations, made to the Clerk's Office, for consideration in the issuance of the Request for bid on Leon County Banking Services.

(At the May 27th workshop, Clerk Inzer provided handout materials and presented a Powerpoint presentation on Banking Services. The Board requested the selection process include criteria that could measure banking performance in determining the selection of a financial institution. The Board provided the following recommendations for the Clerk's consideration at the workshop:

- Banking Services should not be considered strictly as a commodity with fixed pricing for services rendered. Request that the Clerk's Office consider issuance of a Request for Proposals (RFP) rather than a Request for Bids (RFB) so that performance rating criteria can be included, evaluated and ranked with quality points in the selection process.
- Financial Institutions that can perform the prescribed banking services at the lowest cost and can demonstrate efforts made in meeting the local communities needs (number or percentage of local loans made,

contributions to local organizations, returns to the community, etc.) should be given priority in the selection process. Specific performance should be evaluated in the underserved Southern Strategy Area.

- Include the following criteria into the selection process: a) Request the financial institution define the interest rate and include in the bid process; b) Set the Federal Funds rate less 15 basis points as the maximum, to allow institutions to bid lower; c) for greater leverage and possible cost savings, consider merging the County's Investment and Checking accounts into one financial institution. Review the possibility of liquidating the Voyager Asset account once that contract ends; d) include in the selection process, a requirement that the financial institution must have Trust Department that is able to handle the County's Investment Portfolio; e) include a Positive Pay provision to protect the County against fraud (Note; Clerk's Office has advised that this provision was already included in the draft RFB presented at the May 27, 2004 Workshop); f) Include an evaluation, quality points and rating criteria for M/WBE and Local Preference. (Loans to minorities, minorities on Board of Directors, minority employees, etc.). Review County Purchasing Policies criteria and quality points used in County bid process.
- Consider partnerships with Leon County, City of Tallahassee and Leon County School Board when considering Banking services for greater leveraging of funds.
- Clerk Inzer agreed to meet with any Board member who would like to meet with him within the next two week to discuss any additional criteria or concerns regarding the selection process before issuance of the Request for Bids. Chairman Sauls reminded the Board that the Clerk will consider the Board's recommendations, however, the Clerk will make the final decisions as to what criteria are actually included in the RFB.)

12. Acceptance of Second Quarter Status Report on 2004 Board Retreat Priorities

The Board approved Option 1: Accept the Second Quarter Status Report on 2004 Board Retreat Priorities and Administrative Issues.

13. Updated and Timeline for Completion of the Market Feasibility Study for the Redevelopment of the Leon County Fairgrounds

The Board approved Options 1 and 2: 1) Accept the update and timeline for completion of the Market Feasibility Study for the Redevelopment of the Leon County Fairgrounds; 2) Schedule a Board Workshop for October 12, 2004 from 2:30-4:00 p.m. to present the draft Fairgrounds Market Feasibility Study.

14. Approval of the Purchase of a Modular Office Building for Emergency Medical Services

The Board approved Option 1: Approve the purchase of the EMS modular office building at a cost of \$58,666 from Williams Scotsman, Inc.

15. Approval to Amend the List of County Properties to be Sold to Fund the Flooded Property Acquisition Program and Transfer Title to Habitat for Humanity

Commissioner Grippa pulled this item and asked why the property would be transferred to Habitat for Humanity since the property was earmarked for flooded homes. County Administrator Alam explained that at the February 24, 2004 meeting, the Board directed staff to find some lots from the list for Habitat for Humanity. Staff has determined that three parcels (five lots) and the values are \$16,000, \$9,000, and \$5,400 with a total of \$30,000, and three homes could be built.

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Approve removal of the three parcels, five (5) lots: Tax Item # 41-23-30-I-0070, 41-23-30-J-008, and 41-23-30-A-0040 from the County Properties to be sold list and approve the transfer of titles to Habitat for Humanity.

After the item was approved, Chairman Sauls noticed that there was a speaker card from Randall T. Webster.

Randall T. Webster, P. O. Box 1841, thanked the Board for approving this item. He referred to a parcel on Bluebird Road and advised that Habitat for Humanity was interested in developing the parcel as a mixed income development. Chairman Sauls stated that the motion that the Board approved does not involve the property on Bluebird Road.

16. Acceptance of Florida State University (FSU) Subcontract for \$15,000

The Board approved Options 1 and 2: 1) Approve the \$15,000 sub-contract from Florida State University, adopt the resolution and associated budget amendment, and authorize the Chairman to execute; 2) Approve the establishment of a 20-hour per week OPS position.

17. Acceptance of \$500 Donation from the Tallahassee Democrat's Volunteer of the Year Program to the VolunteerLEON Youth Corps

The Board approved Option 1: Accept the \$500 donation from the Tallahassee Democrat and adopt the resolution and associated budget amendment.

18. Approval of Revisions to Policy No. 02-07, Library Internet Safety Policy

The Board approved Option 1: Approve the revisions to Policy No. 02-07, Library Internet Safety Policy.

19. Request to Schedule Workshop on Presentation of M/WBE Anecdotal, Legal and Programmatic Review Disparity Study for Tuesday, September 14, 2004 from 1:00 – 2:30 p.m.

The Board approved Option 1: Approve the request to schedule the above workshop on September 14, 2004, 1:00 – 2:30 p.m.

20. Ratification of the County Administrator's Time Extension of the Cost Reimbursement Contract for the Dental Clinic with the State Department of Health and Recognition and Budgeting of Additional Funds.

The Board approved Option 1: Ratify the County Administrator's execution of Amendment #2 to the cost reimbursement contract for Dental Clinic with the State Department of Health for a 6-month time extension from June 30, 2004 through December 31, 2004 and recognition and budgeting of additional funds.

21. Approval to Extend the Custodial Service Contract Agreements for Group I and II County Facilities

The Board approved Option 1: Extend the current custodial service agreements with R & R Corporate Systems for Group I Facilities and C & L Associates for Group II Facilities, for one year each at a 2.3% rate of cost increase and authority the Chairman to execute the agreements. *

Under "Discussion Items by Commissioners," this item was pulled from Consent Agenda by Commissioner Proctor and reconsidered, and the following action was taken.

Commissioner Proctor moved, duly seconded by Commissioner Thael and carried 6 – 1 (Commissioner Grippa voted in opposition), to reconsider the Consent Agenda.

Commissioner Proctor moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to re-approve the Consent Agenda with the exception of Item 21 (and the other items previously pulled – Items 4, 9, 10, 15, 22, 25, and 27).

Commissioner Proctor moved, duly seconded by Commissioner Thael to continue Item 21 to the July 27, 2004 Board meeting and to include the June 3, 2004 correspondence (regarding R & R's request for a 7 percent increase) from R & R Corporate Systems. The motion carried 5 – 1 (Commissioner Rackleff voted in opposition and Commissioner Winchester was out of the Chambers.)

22. Approval to establish PRN Employment Status Category for Emergency Medical Services (EMS) Division Employees

Commissioner Thaelle pulled this item to discuss the issue of parity. When the County initiated the EMS division, and brought paramedics on board from TMH, the County conducted a salary downgrade. A commitment was made to paramedics that within six months, there would be a reevaluation and a readjustment of salaries to get the paramedics back to the salary level when they were TMH employees.

County Administrator Alam explained that the salary evaluation has been completed and the majority of employees would be getting a raise which would be effective July 13, 2004. Commissioner Thaelle suggested that this be addressed as soon as possible.

Commissioner Thaelle moved, duly seconded Commissioner Maloy to approve Option 1: Approve the establishment of PRN positions for the EMS division and reclassify current EMS part-time employees to the newly created PRN classification. The motion carried unanimously, 6/0 (Commissioner Winchester was out of Chambers).

23. Request to Schedule a Workshop on Growth and Environmental Management Permitting Process on Tuesday, September 14, 2004 from 2:30 – 4:00 p.m. and Cancel the Previously Scheduled Workshop on Silviculture

The Board approved Option 1: Schedule a workshop on Growth and Environmental Management Level of Service and Permitting Process for September 14, 2004 from 2:30 – 4:00 p.m. and cancel the Agriculture Exemption and Silviculture Permitting Process Workshop previously scheduled for the same date and time.

24. Approval to Update the Wildlife Preservation Fund Policies and Procedures and Modify the Wildlife Rehabilitation Distribution Formula

The Board approved Option 1: Approve the new Wildlife Preservation Fund Policies and Procedures and Distribution Formula and authorize the County Administrator to distribute the funds before the end of the fiscal year as stated in the policy.

25. Acceptance of Final Report and Evaluation of the Treatment Performance for Thomasville Road Stormwater Management Facility No. 4

This item was pulled for discussion by Commissioners Thaelle and Grippa. Commissioner Grippa noted that Dr. Harper was recommending four options

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of Chambers), to approve Options 1, 2, 3, 5, 7, and 8; and bring back Option 6 – Approve the planting of aquatic vegetation in the pond’s littoral area for a total cost of \$45,000, at the appropriate time. (Commissioner Thael will talk to Sean McGlynn about this item in the interim.)

Option 1: Concur with ERD (Dr. Harper) and staff’s findings that SWMF No. 4 at basin build-out will meet the Bradfordville Stormwater Standards in Ordinance No. 00-31.

Option 2: Approve the installation of a tipping bucket rain gage and an automated water level meter in Stormwater Management Facility No. 4 for a total cost of \$6,600 with an annual operation cost of \$3,772.

Option 3: Approve raising the outfall box in the pond 9 inches to an elevation of 164 feet for a total cost of \$10,500.

Option 5: Direct staff to seek grant funds to irrigate upland areas.

Option 7: Provide Board authorization to pump stormwater from SWMF No. 4 Southward to SWMF No. 3 in “emergency” situations. The annual manpower cost will be absorbed within current operating budget by redirecting staff from other duties.

Option 8: Direct staff to remove the steel cover from the SWMF No. 4 primary outfall structure for a total cost of \$400.

26. Authorization to Rescind the Award of Bid to Pro-Steel Builders for the Construction of the New Solid Waste Office Building and Renovations to Existing Structure

The Board approved Option 1: Authorize staff to rescind the award of bid to Pro-Steel Builders for the construction of the new Solid Waste office building and renovations to existing structure.

27. Acceptance of Status Report on the Use of Open Graded Hot Mix (OGHM) Bituminous Pavement

Commissioner Thael pulled this item and explained that this is a status report on the use of open grade hot mix pavement as a construction technique to improve County-maintained dirt roads. He stated that he supports the report but suggested that the County use the OGHM technique on William Smith Road (a private road off of Crump Road). The residents have been seeking assistance from the County in getting a dangerous part of their road paved. Commissioner Thael stated that this is a proposal to use a product experimentally to pave approximately 100 feet of the road which would cost the County approximately \$15,000.

Commissioner Thael moved and was duly seconded by Commissioner Maloy to approve Option 1 (with the amendment): Accept status report and direct staff to

continue with the OGHM pilot project, and analyze William Smith Road, a private road, for consideration of the pilot project (\$15,000).

(Vice-Chairman Thael assumed the Chair.)

Commissioner Grippa moved a substitute motion, seconded by Commissioner Sauls to approve Option 1, as amended: Accept status report and direct staff to continue with the OGHM pilot project, and that only County road projects would be considered for the pilot project. The substitute motion failed 2-3 (Commissioners Thael, Rackleff and Maloy voted in opposition and Commissioners Winchester and Proctor were out of Chambers).

The original motion (Option 1, as amended) carried 3 – 2 (Commissioners Grippa and Sauls voted in opposition and Commissioners Winchester and Proctor were out of Chambers.)*

Under "Discussion Items by Commissioners," this item was reconsidered. Commissioner Grippa moved and was duly seconded by Commissioner Proctor (Vice-Chairman Thael assumed the Chair) to reconsider Agenda Item 27. The motion carried 4 – 1 (Commissioner Thael voted in opposition and Commissioners Maloy and Winchester were out of Chambers).

Commissioner Grippa moved and was duly seconded by Commissioner Sauls, to approve Option 1 as amended: Accept the status report and direct staff to continue with the OGHM pilot project, and that OGHM be used on a public road or through a County program dealing with private roads and go through the process, and not be specified for any one private road.

Following some discussion, Commissioner Grippa withdrew his motion and then moved, duly seconded by Commissioner Sauls to continue this item to July 27, 2004 meeting and place the item under General Business. The Board concurred with the motion.

28. Authorization to Award Bid for Fence Materials and Installation to Florida Fence and Deck and Phoenix Construction and Fencing

The Board approved Option 1: Approve the continuing supply agreements for fence materials and installation to Florida Fence & Deck and Phoenix Construction & Fencing at the prices stated on the bid tabulation sheet and authorize the Chairman to execute the continuing supply agreements.

29. Authorization to Award Bid to North Florida Asphalt, Inc., for Miccosukee Park Basketball Court in the Amount of \$68,000

The Board approved Options 1 and 2: 1) Approve the award of bid in the amount of \$68,000 to North Florida Asphalt, Inc., for the expansion of the Miccosukee

park basketball court; 2) Direct staff to negotiate a final bid price within the available budget, and authorize the Chairman to execute the negotiated contract.

30. Authorization to Execute Agreement with the Florida Department of Corrections for the Use of Inmate Crew

The Board approved Option 1: Authorize the Chairman to execute an agreement with Florida Department of Corrections for use of Inmate Crew.

31. Authorization to Record the Right-of-Way and Drainage Easement Document for Journey's End Subdivision 2/3 Paving Project and Request to Schedule a Public Hearing on Tuesday, September 14, 2004 at 6:00 p.m.

The Board approved Options 1 and 2: 1) Authorize recording of the right-of-way and drainage easement document required in connection with Journey's End 2/3-2/3 Paving Project; 2) Schedule a public hearing for Tuesday, September 14, 2004 at 6:00 p.m.

32. Acceptance of Drainage Easement for Talpeco Road Drainage Improvements

The Board approved Option 1: Accept drainage easement from Arthur C. Gay and Janet H. Gay in favor of Leon County.

33. Approval of Contract with PBS & J for Engineering Design Services, Study and Report Phase, for the Killearn Lakes Units I and II Sewer System and Related Drainage Improvements in the Amount of \$99,183

The Board approved Options 1 and 2: 1) Approve the agreement with PBS&J for Engineering Design Services, Study and Report Phase, for Killearn Lakes Units 1 and 2 Sewer System and Related Drainage Improvements in the amount of \$99,183; 2) Approve the attached enabling resolution and budget amendment:

34. Authorization to Exchange Drainage Easements in Sunny Village Subdivision

The Board approved Options 1, 2, and 3: 1) Adopt the attached Resolution R04-14 authorizing the exchange of drainage easements; 2) Authorize Chairman to execute the County deed; 3) Ratify the drainage easements recorded in Official Record Book 1897, pages 2346 and 2355 of the Public Records of Leon County, Florida:

35. Approval of Interlocal Agreement with Capital Regional Development District for Installation of Raised Traffic Median on Magnolia Drive Between Apalachee Parkway and Lafayette Street

The Board approved Option 1: Approve the Interlocal Agreement with the Capital Regional Community Development District and authorize Chairman to execute.

36. Ratification of the Extension for the Capital Area Flood Warning Network Grant with the Department of Community Affairs (DCA)

The Board approved Option 1: Ratify the modification of the Capital Area Flood Warning Network Grant Agreement to extend the expiration date.

37. Authorization to Transfer County Right-of-Way and County Property to the Florida Department of Transportation (FDOT) to Facilitate Capital Circle Northwest Widening

The Board approved Options 1 and 2: 1) Adopt the attached Resolutions R04-15, R04-16, and R04-17 authorizing transfer of title; 2) Authorize the Chairman to execute the County deeds in favor of the Florida Department of Transportation:

38. Request for Travel Expenses for Commissioner Thael to Attend the Florida Association of Counties (FAC) Annual Conference in Broward County, Fl. On June 21-25, 2004

The Board approved Option 1: Approve travel expenses as requested.
The Board recessed at 6:30 p.m. and reconvened at 6:41 p.m.

Due to the large number of speaker cards submitted on Item 45, the Chairman announced that the item would be moved up on the agenda and discussed first under "General Business."

General Business

39. Consideration of the Capital Region Transportation Planning Agency (CRTPA) Membership

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to designate seven Leon County Board members to serve on the Capital Region Transportation Planning Agency.

Commissioner Proctor inquired as to why the surrounding counties had fewer appointees to the Agency. Jack Kostrzewa, Acting MPO Executive Director, explained that the number of members representing their counties and cities (Havana, Midway, Gadsden, Wakulla) was based on population and the MPO voted to do this as a way to resolve the differences about the way it voted.

The motion carried 4 – 1 (Commissioner Proctor voted in opposition and Commissioners Maloy and Grippa were out of Chambers). Commissioner Proctor stated that he would vote against this since it is a poor representation of membership of surrounding cities and counties. Chairman Sauls emphasized the

importance that all seven Commissioners attend the CRTPA since all seven would constitute a quorum.

40. Acceptance of 2004 Legislative Session Final Report; Direction Regarding Lobbying Services for the 2005 Legislative Session; Adoption of a Policy Authorizing the County Administrator to Retain Professional Services Providers; and Schedule a Workshop on 2005 State and Federal Legislative Priorities on Tuesday, September 21, 2004 from 1:30 – 2:30 p.m.

This agenda item serves as the final report to the Board on the State's 2004 Regular Session, including the Board's 2004 legislative priorities and other issues that affected counties. This year-end report also requests Board direction on the County's state contractual lobbying services for the 2005 legislative session and requests the Board's adoption of a policy authorizing the County Administrator to retain professional service providers as necessary, including state contract lobbyists.

Assistant County Administrator Vince Long gave some brief comments on the issue and pointed out that the lobbying firms representing the County are both very competent and have been responsive to Board and to staff. This agenda item presents an alternative method of engaging professional lobbying services as part of the overall State lobbying strategy. Mr. Long further commented on the following:

- When looking at other cities and counties, nobody has done very well in the last few legislative sessions and Leon County is included. One of the main reasons involve implementation of Article V.
- Staff is dedicated, fulltime, to the Legislature when in session
- The proposal in the agenda gives the County Administrator the ability to engage professionally lobbying services on as needed and issue-specific basis
- This would enable the County to engage those persons in the process to best help Leon County when they need it the most.
- This allows the County to hire the person closest to an issue and/or particular lawmaker to work on a specific issue that the County is interested in.
- The proposed policy gives the County added flexibility and greater cost effectiveness in dealing with Legislative Priorities

Commissioner Rackleff moved and was duly seconded by Commissioner Thael to approve Options 1, 3, and 5: 1) Accept the Legislative Session 2004 Report; 3) Direct staff to schedule a workshop for 2005 State and Federal Legislative Priorities on September 21, 2004 from 1:30 – 2:30 p.m., 5) Direct staff to extend the existing contracts with both the Skelding & Cox Firm and the Shutts and Bowen Firm at \$40,000 each for one additional year.

Commissioner Rackleff remarked that he would like for the President of FSU to send direct communication to the Board about his intentions to pay off the Civic Center debt. He suggested that staff carry this message to FSU President and that it be incorporated into the motion. Commissioner Grippa requested that staff obtain specific facts and provide in writing, FSU's response, about the Civic Center debt and bring back as an agenda item. Commissioner Thael, who is on the Civic Center Board, explained that he was told by Lee Hinkle, representative of FSU President, that President Wetherell has every intention of getting the money to help reduce bonded indebtedness of the Civic Center.

Commissioner Grippa stated that this is a one-year contract and he would like to see, in the upcoming year, the lobbyists focus on the appropriation part (such as greenways to schools, bike paths to schools, etc.) more than the policy aspect. The Board concurred that the focus should be on appropriations.

Commissioner Proctor suggested that the County should be asking for additional dollars from the legislature, and funding for the Fairgrounds project.

Commissioner Thael suggested that a letter of appreciation be sent to the Governor for vetoing legislation that would affect agricultural land zoning protection.

Chairman Sauls suggested keeping "payment in lieu of taxes" on the forefront with the legislature.

Commissioner Winchester remarked that it difficult to obtain funding from the legislation for retrofitting for Rhoden Cove, Okeeheepkee, and Lexington Pond (Lake Jackson restoration). He stated that the County needs assistance in getting the Corp of Engineers to fund the projects. If they are not funded this year, then Commissioner Winchester will request that Blueprint monies be used. He also suggested that the Lake Jackson EcoPassage, a federal grant, be included in the 2005 Legislative Priorities.

(Those items would be discussed at the workshop.) Commissioner Proctor requested that the redevelopment of the fairgrounds be included in the 2005 Legislative Priorities. Commissioner Winchester requested that the Lake Jackson Restoration and Lake Jackson EcoPassage be included in the 2005 Legislative priorities.

Chairman Sauls announced that the issues raised by Commissioners would be discussed at the upcoming workshop on September 21, 2004.

The motion on the floor carried unanimously, 6/0 (Commissioner Proctor out of Chambers),

41. Acceptance of the County Attorney's Report on Campaign Activities of County Employees and Officials

On June 8, 2004, the Board reviewed the Investigative Report prepared by the Jacksonville law firm of Coffman, Coleman, Andrews & Grogan, P.A., in response to allegations of workplace misconduct and/or harassment raised by Gwendolyn Simmonds against Commissioner Rudy Maloy. After considerable discussion, the Board directed the County Attorney's Office to review the findings included in the Investigative Report that relate specifically to campaign activities being required or performed during scheduled work hours, and to analyze any campaign activities in light of the present statutory framework and policies of the Board. This agenda item is a result of the Board's direction.

County Attorney Thiele explained that during the break, Commissioner Thaelle advised him that the agenda item did not include some information that the Board requested. Mr. Thiele suggested that the item be continued for two weeks to allow him to address some issues regarding workplace and hostile environment issues. He would check the minutes and/or video of the meeting to ensure that the Board's direction was being followed.

Commissioner Grippa asked if there was going to be an investigation of politics in the workplace, etc. or was the Board going to accept the report and focus only on one commissioner.

County Attorney Thiele stated that he understood the Board's direction was that legal staff was to provide information on the law regarding the subject of political activities and excerpts from the Coffman, Coleman, Andrews, & Grogan, P.A. report that might relate to those statutory provisions and then the Board would draw its own conclusion or could direct that a conclusory investigation take place by some entity other than the County Attorney's Office. Mr. Thiele pointed out that legal staff was specifically instructed to not draw any conclusions from the material.

Commissioner Grippa suggesting addressing all the issues – what are Commissioners allowed to do; can they raise money from their office; are Board employees allowed to participate in campaign activities and ancillary activities; what are the rules in the workplace; can Commissioners direct staff to raise money during work hours for projects such as the Alzheimer's project; can Commissioners have staff work on issues that are not Board endorsed, what does the employee handbook say about these issues. Commissioner Thaelle asked if a bumper sticker for a political party was allowed and suggested information be provided on what "constitutes political activities and what constitutes protected right of free speech."

County Attorney Thiele pointed out that the answer to the above issues was generally no and suggested that a workshop be conducted on the issue. He would

compile the materials and work with Administration on a time for a workshop when Commissioners would be available.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried 5 – 1 (Commissioner Maloy voted in opposition and Commissioner Proctor was out of Chambers), to approve Option #1: accept the County Attorney's Office Report.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to extend the meeting to 12:00 Midnight.

42. Consideration of Agreement and Release for *Killearn Lakes HOA v. Leon County Health Department, Florida Department of Health, and James Preiss* (COH Case No. 2004-0034)

This item was withdrawn.

County Attorney Thiele explained that his office withdrew the item because the parties to the settlement agreement withdrew their approval of the agreement before staff had a chance to bring it to the Board.

43. Approval of Proposed Utilization of a Flooded Property Acquisition Program Waiver Provision or Enactment of a Four-Month Moratorium on the Approved Applications for Development Orders Siting of Single-Family Residential Structures on Properties Subject to Flooding

This item was brought to the Board as a result of some concerns that were expressed by the Board with regard to permitting for houses on flooded or potentially flooded properties.

County Attorney Thiele explained that the issue arose because of a particular application that was pending before the County at the time and it resulted in a lawsuit that was filed against the County. A hearing was held this morning and the Court agreed to accept an amended complaint so it is still pending. Mr. Thiele cautioned the Board about making comments about the lawsuit.

Mr. Thiele explained that one option involves enactment of a four-month moratorium ordinance on applications for development order applications or site and development plan applications for single-family residential structures on property that is subject to flooding. The ordinance as drafted is a countywide ordinance and not only for Killearn Lakes.

The following citizens appeared:

Brad Trotman, 7110 Beechridge Trail, Killearn Lakes Homeowners Association, stated that the problems would take longer than a four-month moratorium to resolve. The issues in Killearn Lakes involve more than just flooding but also high human fecal chloroform counts (sewage) flooding on people's property which could cause illnesses. He showed the test results that the County had done last fall. Mr. Trotman stated that Killearn Lakes needs its own moratorium because of the situation it is in. He stated that where there is saturation of 1,400 septic tanks of the groundwater and much of the runoff is going into Lake Iamonia and Lake Jackson. Mr. Trotman explained that there are 23 more possible building permits (septic tanks) in the works which would exacerbate the sewage problem and he urged the Board to approve a moratorium until the sewer is installed. He presented the Board with a petition with 550 signatures of residents requesting an immediate moratorium until the sanitary sewer is put in.

Mr. Thiele explained that the issue addressed in this agenda item is flooding and water quantity issues. If the issue is what should the Board do about property owners who wish to have permits to build a house that the County knows will have yard flooding, then he would suggest to approach it in the fashion that he had recommended. This item did not address downstream impacts of displaced water issues (regional issues), septic tank failures, and water quality issues.

Commissioner Grippa stated, for the record, the design of the stormwater system in Killearn Lakes is sheet flow and by the definition of it, it is supposed to go across the yard. But the problem is that the volume of flooding is coupled with the septic tank failures that are occurring. The Board went through Dr. Harper and a report was done. Commissioner Grippa suggested that the \$5 million that the Board earmarked for this be used to resolve the issue.

Commissioner Proctor suggested measures be taken to staff the report and to find out the steps that need to be taken to address the sewage problem. Commissioner Grippa explained that the County has gone through this several times. The County's portion is \$25 million for water quality studies and there was a non encumbered amount that the County spent on retrofit - the \$25 million is still there. The Board voted for this to be done, it went to Blueprint and Blueprint decided as a group that all projects should go to Dr. Harvey Harper. It has been sent to Dr. Harper but an opinion has not been made.

Commissioner Grippa moved to allocate the \$5 million to this project in order to do a partnership on the sewer system; 2) move forward on a draft moratorium on future building in Unit 1 and 2 until sewer is installed in Killearn Lakes Unit 1 and 2, until such time frame that the County Attorney feels comfortable that the sewer will become available; staff prepare a chronological order on how the County can deal with the major flooding problems that are causing this entire disaster.

Commissioner Grippa moved, duly seconded by Commissioner Proctor to:

- 1) Direct the County Attorney to move forward on drafting a moratorium Ordinance, prohibiting building in Killearn Lakes Units 1 and 2 until the sewer system is installed and available. It was noted that two public hearings would be required and the first public hearing would be conducted on July 27, 2004;
- 2) The \$5 million that the County appropriated to the County's Blueprint funds for the Killearn Lakes sewer tank system be delivered within the next week so staff can move forward and partner with the Killearn Lakes Homeowners' Association to transfer from septic tank to a sewer system. Staff was directed to send the June 23, 2004 report, *Killearn Chain of Lakes, "An Investigation of the Lake Arrowhead Drainage to Lake Iamonia"* by McGlynn Labs, to Dr. Harvey Harper, with staff comments, within the end of the week and ask him to expedite this. A status report on this would be brought back to the Board On July 27, 2004. (If Dr. Harper does not sign off on the \$5 million, then the Board would adhere to the County Attorney's advice regarding "the unlawful delegation of authority" to undo the "Dr. Harvey Harper process.")
- 3) Draft urgent letter from Chairman Sauls to Dr. Harper requesting a response to McGlynn Lab's report and request approval of Killearn Lakes Units 1 and 2 Sewer System Initiative. (If Dr. Harper approves the project, the County can then use the Blueprint \$5 million on the project. The remaining costs of \$19 million would come from the residents, potentially a partner with the sewer utility companies, or grant.) Staff was directed to bring back recommendations on how to finance the balance.
- 4) Direct staff to prepare a chronological order on how the County got to this point, i.e., who ordered the studies, where is the water quality money, and how to move forward in addressing major flooding problems.
- 5) Establish the Killearn Lakes Sewer Initiative as a 2005 Legislative priority.
- 6) Direct staff to bring back a schedule showing the timelines on design, construction and completion of the Killearn Lakes sewer Project, along with cost estimates, financing alternatives, and funding plan and how it can be expedited.

County Administrator Alam remarked that if the Board finds out in two weeks that Dr. Harper does not approve of using the \$5 million for the project, the Board would need to decide if the process is acceptable to the Board anymore. (The County could claim that the \$25 million is a County Commission decision and not a Blueprint IA position.) Mr. Alam stated that by the next meeting, staff would have Dr. Harper's findings on this issue.

Commissioner inquired about the cost for the sewer system. Joe Brown, Public Works, pointed out that staff has done a RFP and the consultants have been selected and have been given authorization to do Phase I of the design. Depending on the outcome of the study, the Board might elect to go with a

simple system such as the grinder or it may elect to go forward with a more substantial system such as a graphic system, which would involve different design services. Staff will define what the project entails and then come back and get the fee approved. The design phase would take about take 4 - 6 months.

Richard Thoma, 3412 Valley Creek Drive, stated that the Board's report showed that there was a sewage problem and he wanted to know if the Health Department was notified about the risks involved. He cautioned the Board that the area could not afford one more additional septic tank.

Andrea Stephenson, 3240 Horseshoe Trail, stated that there are currently 22 houses in Killlearn Lakes Units 1 and 2 that the Board has permitted and are about to be built with septic tanks. This will add to the sewage problems in the neighborhood. She voiced concern about the spread of diseases such as cholera and urged the Board to take emergency action to stop the houses from being built.

Commissioner Proctor inquired about the status of those permits mentioned by Mrs. Stephenson and asked if they could be rescinded. County Attorney Thiele explained that those permits have already been issued but he would check on the issue – right now staff has an engineer certification that those septic tanks will work properly, that they will not have any failures and the effluent will meet all health codes. Commissioner Grippa wanted to know if the State Department of Health could be notified that there is a health crisis in Killlearn Properties, Units 1 and 2, and for them not to issue anymore septic tanks. Mr. Thiele stated that the Department of Health is currently enforcing the "no mounded septic tanks rule." He also pointed out that the position the Board took at the time was that they were properly issued permits.

Commissioner Grippa moved and was duly seconded by Commissioner Proctor to change the County's position (regarding properly issued permits). The motion was withdraw after County Attorney Thiele recommended that further investigation take place before the Board takes this position since this will have fiscal consequences. County Administrator Alam explained that this condition has existed for many months and recommended that a detailed report would be brought back at the next meeting. (Those permits are still the subject matter of the DOAH proceeding and they cannot move forward with them until the proceeding is ended which will not occur in the next two weeks.) Mr. Trotman responded that one house was already being built and the developer plans to move forward. Mr. Alam pointed out that if necessary, the Board may need to call a special meeting after July 27th. Staff will begin working on this item i.e., what is needed to do the moratorium, how long would it take to get the sewer in; and talk to Dr. Harvey Harper regarding the \$5 million issue.

The motion on the floor carried 6 – 1 (Commissioner Rackleff voted in opposition).

Commissioner Grippa moved, seconded by Commissioner Proctor to approve Option 1: Adopt and authorize staff to utilize the waiver (Declaration of Covenants, Conditions, and Restrictions) applicable to the Countywide Flooded Property Acquisition Program, as a condition to granting any application for permit or development order granting authority to develop any single-family residential unit on any lot “subject to flooding,” as defined herein. The motion carried unanimously, 7/0.

For informational purposes, Mr. Thiele explained that the long-term solution is continuing to pursue a water quantity regulatory measure (volume control) which staff is already working on and would possibly come to the Board in the fall.

44. Approval to Initiate Legal Action Against the Department of Juvenile Justice (DJJ) and Acceptance of the Florida Association of Counties (FAC) Special Assessment

It is the County Attorney’s position that legislation seeking to shift the costs for DJJ operation is an unconstitutional violation of Revision 7, Article V of the Florida Constitution, and is procedurally infirm with regard to its enactment.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Authorize Leon County to become a Plaintiff in the Department of Juvenile Justice Cost Shift Litigation, authorize the County Attorney’s Office to be a participant in the litigation, and authorize the payment of the State-wide voluntary assessment to the Florida Association of Counties in the amount of \$1,796.

The Board then entered discussion regarding Item 46.

Commissioner Maloy moved, duly seconded by Commissioner Grippa and carried 6-1 (Commissioner Grippa voted in opposition), to extend the Board to 12:30 a.m.

45. Acceptance of County Attorney’s Report and Recommendations Regarding a Proposed Ordinance Amending the Charter Providing for Campaign Contribution Limits, “Clean Elections,” and Non-Partisan Elections for Constitutional Officers

During the June 8, 2004 regular Board meeting, a group of individuals calling themselves the Steering Committee to amend the Leon County Charter submitted a proposed Ordinance to the Board for consideration. This steering committee specifically requested the Board place the proposed ordinance on its July 13, 2004 agenda for adoption and subsequent presentation to the voters of Leon County on

the November general election ballot. The proposed ordinance would substantially amend the Leon County Charter by limiting campaign contributions, creating a Clean Elections Board; defining eligible contributors to campaigns; requiring non-partisan elections for constitutional officers; and enforcement of penalties by code inspectors.

County Attorney Thiele advised that the Board requested on June 8, that his office conduct an analysis of the proposal and ordinance, which they did, and it includes a comprehensive discussion about the relevant United States Supreme Court decisions relating to campaign contribution laws, possible state preemption as it relates to campaign financing laws, and comparison of other Florida counties' existing regulation of campaign contributions.

Mr. Thiele explained that there are two issues: 1) whether the Board of County Commissioners has the authority to adopt these provisions as an amendment to their charter in general; 2) Dependent upon the answer to number 1, whether any of the restrictions or modifications in the proposal has problems as it relates to constitutional or other legal prohibitions. He pointed out that because of his answer to Number 1, legal staff has not done a complete analysis of part 2. Because F.S. 106 is so pervasive in the area of election law, especially campaign financing issues, it is the County Attorney's opinion that the issues related to proposal on campaign financing are preempted to the State and the County does not have the authority to create a charter provision that contain those items. Mr. Thiele advised that in each of the component parts of No. 2, there are also serious constitutional and legal concerns as well as some other prohibitions that are contained in Chapter 106 and 125. If legal staff got over the first hurdle, No. 1, which they did not, there are still significant analysis and drafting that would need to be done.

Commissioner Thaelle referred to an opinion that was submitted by FAC from a former assistant attorney general, George H. Sheldon, who indicates that the proposal is not inconsistent with Florida Law and is in the purview of a charter county and a charter county may enact laws to which State Law does not speak. Mr. Sheldon indicated that Clean Election Reform is a home rule matter which is not inconsistent with State Law.

Mr. Thiele stated that the issue was not whether the Board could adopt a regulatory measure which is more restrictive than a state regulatory measure; there is another facet of state preemption – that issue is whether or not the Board believes that the field is so persuasively and pervasively dealt with by the state that it leaves no further room for local government's home rule authority to enact regulatory measures.

Leon County Sheriff Larry Campbell, P. O. Box 747, appeared and advised that he had discussions with Bob Henderson, President of Common Cause, and Walter Dartland about the proposal. Sheriff Campbell indicated that he had concerns

with implications of the "clean money act" and opined that it was not inappropriate to receive campaign funding from areas around the state and out of the state. He also spoke against the proposal to charge a person \$5 to sign a campaign petition card and the \$5 would be put into a fund and split between the candidates. He also wanted to know how the County would obtain the extra money to pay for elections which was also proposed. Sheriff Campbell reminded the Board that elected officials agreed to support the charter when they were assured that the constitutional officers would not be changed and urged the Board to vote against the proposal. He suggested that it was vindictive towards certain commissioners and that the proposal had a hidden agenda.

The Chairman announced that since there were several speakers on this issue, she asked that they limit their comments to 3-minutes each.

Commissioner Proctor advised that for the last five years he has been under investigation for Election Law violations under F.S. 106, and has endured trials and tribulations.

Supervisor of Elections, Ion Sancho, advised that he was generally supportive of campaign financing reform; in 1998 he supported a statewide provision for citizens to be donors to campaign elections; in 1992 he promoted the idea of state public financing of elections which was adopted by the Florida Legislature. Mr. Sancho indicated that he saw the matter as a three-part process: 1) issues related to lowering the contribution cap (perhaps from \$500 to \$200); 2) limiting campaign contributions to citizens; 3) prohibiting out of state (or out of county) contributions. He opined that lessening the reliance of money in the political process and utilizing a public process for elections was a good process but he was disappointed to see a charter government used as a political whipsaw. He urged the Board to look at the less controversial aspect of limiting campaign contributions as he previously mentioned, which could be placed on the ballot this fall. If the Board chooses to not move forward on the issue of public campaign financing at this time, which is a larger issue that should be examined, Mr. Sancho recommended that the Board adopt a blue ribbon panel with all the stakeholders involved in the process. He stated that he supports public financing and asked that the Board ensure that elections be a public process and not left solely in the private sector.

Commissioner Grippa indicated that the soonest anything would be affected would be in 2006. Commissioner Grippa asked Mr. Sancho if he approved of having to pay \$5 for signing a petition card. Mr. Sancho clarified that the petition card plays two functions - it waives the qualifying fee under the F.S. Chapter 99 process. The separate process talked about here, which is qualifying for seed money; the state has a \$250 match which cannot come from a corporation and must come from an individual and it automatically qualifies a person for public financing with the state; he sees the \$5 petition card as essentially equivalent of a

\$250 state pledge. Mr. Sancho raised the question of should signing the petition card and the \$10 be linked and indicated that it could be done in different ways.

Mr. Sancho stated that a person is not paying to vote but a qualifying process is being set up to access public money and it is a voluntary system. Commissioner Grippa stated that this all could be accomplished by a local bill with no preemption issues.

Commissioner Rackleff spoke about the petition and recollected that in state, federal, local government there is a threshold of the number of small contributions that can be obtained before a person qualifies for public financing. Mr. Sancho explained that there are a number of ways to structure that.

County Attorney Thiele explained that nothing that the Board does here would preempt the State from doing what they have been doing all along.

The following speakers appeared:

Robert Henderson, Chairperson of the Clean Money Campaign, appeared and petitioned the government to let the people decide whether they support one or more of the proposed initiatives. There are four separate initiatives to be decided by the voters. He suggested that the proposal be placed on the November ballot. He remarked that the objective of the proposal was to enhance democracy in Leon County. The goals are 1) to reduce expense of local campaign; 2) reduce the influence of wealthy special interest; 3) reduce the time candidates and elected official spend in raising campaign contributions and give them more time to talk to voters; 4) allow more and better candidates to offer themselves for public office. Mr. Henderson referred to Maine and Arizona where the governors were elected under rules similar to the ones proposed here.

Attorney Dan Hendrickson, P. O. Box 1201, pointed out that the last time he was before the Board on this issue, the Board suggested that the group contact the other elected officials, and other groups to consider the constitutional issues in the proposal. He listed other states that were adopting the Clean Campaign rule. He also referred to U.S. constitutional cases, in particular, the preemption case in Sarasota County, where the judge stated that the Chapter 106 does not effectively preempt local governments from adopting the Clean Campaign rule.

Commissioner Proctor inquired about F.S. Chapter 106. County Attorney Thiele responded that he believes that the provisions in Chapter 106 as it relates to campaign financing issues are preemptive of the County's ability to do so.

Don Stewart 2132 Longview Drive, supported placing the initiatives on the ballot and quoted Abraham Lincoln. He felt that currently this government was a government of big money and special interests and not a government of the people. He stated that it was no wonder that government cynicism was at a high.

Le Whitney, 576 E. Call Street, stated that she would waive her right to speak and gave her 3-minutes to Attorney Hendrickson if he needed the time

Bob Hightower, 2659 Yarmouth Lane, appeared and echoed the comments of Supervisor of Elections Ion Sancho. He asked the audience and the Commission to think not in terms as a candidate, commissioner, or business owner, but to think in terms of what is good for the County, the state and the nation. He encouraged the Board to place issues on the ballot in November so people could vote for and/or against certain items. Mr. Hightower stated that he would not vote for the \$5 fee for signing petitions and for public financing. He remarked that he supports limiting campaign contributions to \$200 and suggested banning all corporate and business contributions, because there is not a full disclosure.

Ron Bunting, 1510 Old St. Augustine Road, suggested helping elected officials and candidates end their forced addiction to the "drugs" of special interest money and shake off the "steroids" of the big money of corporate interests. He raised the question: What value do the Commissioners place on the democratic ideals of one real person and one real vote; what value do they place on democracy. He urged the Board to not end up with big money corporate dictatorship.

Joshua Hicks, 2033 Ascot Way, spoke in favor of the campaign, Clean Money Reform initiative and stated that other communities have supported the same. He stated that it is important to have an election system that is clean and respected and available for all citizens to participate. The benefits of the reforms would result in more qualified candidates, levels the playing field, cut campaign length and costs, block direct influence by special interests and fundraising would no longer be a problem. Mr. Hicks suggested keeping the local race "local" and asked that the Board place the issue on the ballot in November.

April Penton, 4804 Dear Run Drive, waived her right to speak but remarked that she supported the initiative.

Annette Odom, 3633 Londerry Drive, stated that she did not want to see corporations running the country and was concerned that money was coming from out of state for local candidates. She urged the Board to place the initiative on the ballot.

Allen Joseph, 1516 Live Oak Drive, remarked that over the years, the slow erosion of democracy has occurred which has caused citizens to not trust democracy and to not even vote. He supported the initiative being placed on the ballot.

Buck Rogers, 650 W. Lafayette, waived his time to speak.

Mark Wingate, 1017 Cherokee Drive, concurred with comments made by Mr. Joseph. He referred to Austin, Texas and stated that it appeared that some politicians were installed rather than elected. He requested that the Board place the initiative on the ballot.

Dr. Rebecca Sager, 1017 Cherokee Drive, stated that the document before the Board is an excellent document and stated that voter-owned elections are the centerpiece of this initiative. The rest of the document is an effort to keep the cost of campaign elections low. Dr. Sager stated that added language was inserted to be more explicit to the Clean Campaign financing (petition): To qualify a candidate collects at least the requisite number of clean elections qualifying signatures and contributions of \$5 from adult citizens.

Don Axelrad, 6457 Fitz Lane, voiced his support for campaign finance reform, supports the \$200 contribution limit; did not want to see money coming from outside the County. He suggested taking the three major points and attempting to reach a consensus and put on the ballot in November.

Will Messer, 4052 Kilmartin Drive, small business owner, president of Northeast Business Association (which represents over 200 small businesses in Leon County) stated that he cannot believe that he is listening to a discussion about the potential of carving out the voice of small business. His association does not believe this committee represents a diverse group but rather a group that is attempting to influence the electoral process. He asked that the Board make a decision tonight and to vote against the proposed ordinance.

Daryl Nall, 9601 Miccosukee Road, appeared and stated that she was in favor of the initiative and if there were any problems, they could be fixed. She felt that citizens should be able to decide and vote on the ballot.

Ray and Peggy Munroe, 1514 Belleau Wood Drive, explained that they have owned a small business in the area for 30 years. They felt that they were being discriminated against; taxation without representation. Mr. Munroe stated that it is imperative that a determination be made as to the legality of the initiative. Mrs. Munroe wanted to know why the initiative was necessary and raised the question: Where is the dirty money - Clean Campaign Reform indicates there is dirty money. She voiced concern that it appears to be prejudiced against corporations and urged the Board to deny the ordinance.

Bryan Desloge, 3057 Hawks Glen, stated that he owns a small business and is on the executive board of the Chamber of Commerce. He stated that small businesses are the backbone of the community. He took offense to comments about businesses contributing to campaigns and requested that the Board vote against the item.

Ted Thomas, 1469 Vieux Carre Drive, appeared and expressed opposition to the implication of dirty money being used for campaign. He stated that a corporation or business represents people and raised the question: Does the community really want to finance county elections. Mr. Thomas stated that there are other issues that are more important to the community such as children's' issues and stormwater issues.

Grace Martin, 1433 N. Adams Street, Apt 504, waived her time to speak.

Bob Fulford, 231 Westridge Drive, supported the initiative and urged the Board to let the voters decide.

Donny Crenshaw, 3923 Roswell Drive, indicated support for the Clean Election.

Norene Chase, 405 Castleton Circle, waived her time to speak.

Misty Penton, 4742 Knollwood Drive, stated that she is member of the steering committee for Clean Money, Clean Elections and has been working with a lot of the members from the community. She stated that many people are excited about the possibility of removing the special interest money from the process; the "voters not donors" concept would essentially restore the democratic process. Regarding the tax payers funding the issue; the clean elections component would have a clean election trust fund and the steering committee is suggesting a county contract surcharge of 1 percent on anything that is not a non profit contract.

John Hedrick, 2055 Thomasville Road, urged the Board to allow the citizens to decide on the reforms.

Susie Caplo, P. O. Box 1201, stated that Clean Money, Clean Money has been around for ten years and has proven that it works. She urged the Board to vote to move this initiative forward. She referred to the document that was provided to the Board which gives background information. Commissioner Proctor wanted to know the percentage of the diversity of individuals, women and minorities, that are more apt to be elected under the Clean Elections reform. Ms. Caplo stated that she would provide the statistics.

Sheila Moser, 3243 Thames Drive, waived her time to speak but remarked that she supports the proposed ordinance.

David Ludder, 1951 N. Meridian Road, spoke in favor of the proposal and urged the Board to place the issue on the November ballot. He stated that the state regulations are so persuasive that it seems that the Legislature expressly intended to preempt the field.

Page Baldwin, 2546 Golden Park Lane, expressed opposition to the initiative.

Ben Wilcox, 1712 Old Fort Road, stated that he is Director of Common Cause Florida (non partisan government reform advocacy organization) although he was not appearing in that capacity. He supported the proposals in the Clean Money, Clean Election reform and felt that it would reduce the overall amount of money flowing into the process and reduces the perception that money does buy influence in the public policy debate.

Scott Hannahs, 5051 Quail Valley Road, stated that the amendments are admirable and he supported the initiative, remarking that this is a chance to enhance democracy.

James Flores, 3317 Barrow Hill Trail, voiced opposition to the Clean Money reform.

Linda Lloyd 2304 San Pedro Avenue, waived her time to speak.

Phillip Monte 3254 Robbinhood Court, was called to speak. A citizen in the audience announced that Mr. Monte left but that he was opposed to the proposed initiative.

Brian Lupiani, 607 McDaniel Street, expressed support for the initiative.

David Folsom, 5600 Countryside Drive, stated that the initiative has merit, but all the stakeholders should be involved and a methodical study of all the issues and impacts should be done. He remarked that voters should know and understand the issues prior to election.

Carol Kio-Green, 4823 Sullivan Road, appeared and voiced support for the initiative. She suggested a \$200 limit be placed on campaign contributions and referred to the Clerk's letter in the agenda item, which bifurcates three groups of issues – 1) Capping individual contributions to \$200 per campaign and limiting contributions to real persons living in Leon County; 2) Partisan v. nonpartisan elections; 3) Publicly funding campaigns for candidates. In the letter, the Clerk encouraged Commissioners to move forward with placing at least the limitations of campaign contributions on the ballot this fall. Ms. Kio-Green suggested that the Board place the issue on the ballot.

Linda Miklowitz, 2542 Arthur's Court, stated that this is a great opportunity for Leon County to be leaders in the state and nation on election reform. She urged the Board to move forward on this issue.

Sue Dick, 100 North Duval, President of Greater Tallahassee Chamber of Commerce, echoed comments made by Mr. Deslodge, that small businesses were the backbone of the community and should have a voice. She urged the Board to not approve the initiative and not create a committee.

Mercedes Nunez 4945 Outlook Court, indicated support for the initiative.

Commissioner Grippa stated that the proposed charter is not representative of the entire community and there are many things that he agrees on, but he does not agree on publicly financing political advertising through tax dollars or surcharges. He suggested continuing the debate in an effort to reach a middle ground.

Commissioner Grippa suggested, if it is the will of the public and this Commission, to bring a consensus agreement bill to the local delegation, then it could be put on a referendum. He stated for the record, that he has a problem with eliminating local business from giving campaign money contributions; although he would look at reducing the amount across the board. Commissioner Grippa suggested that a group of people be put together representing the community has a whole, democrats, republicans, libertarians, green party, small business, big business, and environmental community and the NAACP; determine what items can reach a consensus, take the consensus items and follow the County Attorney's advise and seek a local bill. He referred to a memorandum from the Chairman about bringing together a group and to look at the issue as real election reform.

Commissioner Thaell stated that this is about Home Rule Authority which was approved a few years ago; it was sold to the community so they could have control over their own government.

Commissioner Thaell moved and was duly seconded by Commissioner Rackleff to move forward on Items 1 and 2 in the form of an ordinance, to be placed on the November 2, 2004 ballot, and that it be brought back as public hearing on July 27, 2004: (Item 1 – Shall the Leon County Charter be amended to prohibit candidates for County Commissioner and Constitutional Offices from accepting campaign contributions in excess of \$200. Item 2 – Shall the Leon County Charter be amended to prohibit candidates for County Commissioner and Constitutional Offices from accepting campaign contributions from corporations or from any person not eligible to vote in Leon County, with the exception of the candidates immediate family and citizens of surrounding contiguous counties (Jefferson, Gadsden, Wakulla counties); and the other issues be sent to a study committee.

Commissioner Rackleff commented on the excessive costs for running for public office, whether it is local, state, or federal. He stated that the motion before the Board has merit and he felt that that it would get to the eventual goal which is to have a political system where candidates can be competitive.

Commissioner Proctor moved a substitute motion to approve Option 1: Accept the report and the recommendations of the County Attorney. The substitute motion failed for lack of a second.

Commissioner Proctor pointed out that when the County went to a charter government, the Board assured constitutional officers that they would not disturb their constitutional status unless there was dialogue and agreement. A letter was

received from Bert Hartsfield, Property Appraiser, that basically says that he is open to what people want to vote on; a letter was received from Mr. Sancho and he spoke on issues this evening; the Sheriff came today and stated that he opposes this reform. Commissioner Proctor stated that the Board would be going back on their word if the Board did not do what they promised when they went to a charter county.

Commissioner Winchester moved a substitute motion, seconded by Commissioner Proctor, to move forward with a campaign finance task force group composed of representatives/appointees from the County Commission, the City Commission, and the constitutional officers, and (as suggested by Commissioner Grippa) include a state representative or delegate, and a house member or their delegate, since they would be sponsoring the bill.

It was noted that no changes would take place until January of 2007 if enacted by a charter amendment; if changes were enacted by a local bill, it could be done sooner.

Commissioner Grippa remarked that there are some issues that he would like studied by a committee such as the fact that there is no prohibition of county vendors and involvement of local businesses. He felt the Board should take a look at the issues that unite the Board and issues that divide.

Chairman Sauls pointed out that one of the large issues in Leon County is economic development, which comes from local business and it would be unfair to cut them out of the process. She referred to her memorandum of June 16, 2004 suggesting that if the Board were serious about putting a Clean Money issue on the ballot, they should be more inclusive of people in the community.

The substitute motion carried unanimously, 7/0.

The Board then entered discussion regarding Item 39.

46. Board Direction of the Killearn Lakes Restoration Grant Application Request

Commissioner Grippa brought to staff's attention an existing drainage problem at the intersection of Deer Lane and Shantilly Terrace, which is located south of Timberlane Road. Residents in the area reported that during storm events, stormwater overtops the road flooding their property and causing erosion. Staff evaluated the situation and determined that construction costs for the culvert and ditch improvements, and land acquisition to solve the problem would cost approximately \$375,000 to \$400,000.

Commissioner Thacell moved and was duly seconded by Commissioner Rackleff to approve Option 1: Accept report and direct staff to present the Deer Lane Drainage Project to the homeowners with the homeowners paying the full cost in

accordance with current County Code. County Administrator Alam explained that the cost to the homeowners would be approximately \$66,000 or \$67,000 per home.

Joe Brown, Public Works, explained that the existing 42-inch culvert at this location is undersized and should be replaced with two 36-inch culverts. However, this would result in a shift of flood impacts to owners downstream. Staff determined that the conveyance ditch could be improved to handle the water but it is located on private property and the County would have to purchase it. Mr. Brown pointed out that the construction costs for the culvert, ditch improvements, and land acquisition would run approximately \$400,000. If the homeowners decide to use the 2/3 method for the improvements, it would cost each homeowner approximately \$66,000 and the amount would be assessed against their property.

The motion on the floor carried 5 – 2 (Commissioner Grippa and Winchester voted in opposition).

47. Board Direction of the Killearn Lakes Restoration Grant Application Request

This item seeks Board approval for the Killearn Lakes Homeowners Association (KLHOA) Section 319 Nonpoint Source Management Program grant application to the Florida Department of Environmental Protection (FDEP) with \$247,000 County matching funds and utilization of County staff for construction and administrative support. It was noted that Killearn Lakes area privately-owned, permitted stormwater management facilities for the Killearn Lakes Development of Regional Impact (DRI). The KLHOA manages the facilities which discharge to Lake Iamonia at Lester Cove (Mitchell Arm) and the Cromartie Arm.

Commissioner Thaeli referred to the Agenda Request, page 3 where it states that: The grant application specifically acknowledges construction will occur on private property, including potentially the Golden Eagle Golf Course. He stated that he did not feel it would be appropriate to use County tax payer dollars for the match.

Brad Trotman, 7110 Beechridge Trail, stated that the Golden Eagle Golf Course would not receive any of the matching grant money or benefit from it. The only reason the golf course was mentioned was because Golden Eagle has one third of the water frontage. KLHOA owns the lake, but they need Golden Eagles' support to go in and put in BMP (best management practices) to bring the water quality back. Mr. Trotman explained where the proposed structures would be placed.

County Administrator Alam referred to agenda request, page 2, (e): The Golden Eagle Golf Course has tentatively agreed to the KLHOA request to allocate land area to the berm construction. The berms will be planted on the upstream side with vegetation to create "rain gardens" for additional treatment."

Teresa Heiker, Stormwater Engineer, Public Works, explained the use of public funds on private property and the 319 grant application.

Commissioner Rackleff requested that a map be produced to show the proposed location of the facilities.

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff to approve the following: continue the agenda item and bring back with a detailed staff report; staff to bring back information on funding source identification; staff to prepare a map illustrating the location of all the Killearn Lakes facilities (Sean McGlynn), staff to bring back a report on what Public Works projects would get backlogged as a result of utilizing County staff on construction and administration on the grant project.

Commissioner Proctor asked that staff (Teresa Heiker) to go through the same steps and use the same methodology for Little Silver Lake. The Board pointed out that Little Silver Lake was in the City limits so it could not apply.

The motion carried unanimously, 7/0.

48. Expirations, Vacancies, and Appointments to Bicycle and Pedestrian Advisory Committee; Big Bend Health Council, and the Landfill Citizens Liaison Committee

This item was continued to July 27, 2004.

Scheduled Public Hearings, 6:00 p.m.

49. Public Hearing on Proposed Special Improvement Liens for the Winfield Forest 2/3 Project and Adoption of a Non-Ad Valorem Assessment Roll for Winfield Forest 2/3 Project

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Grippa moved, duly seconded by Commissioner Thael to approve Options 1, 2, and 3: 1) Conduct the public hearing to impose Special Improvement Liens and Adopt a Non-Ad Valorem Assessment Roll for Winfield Forest 2/3 Project; 2) Adopt the Special Improvement Assessment Resolution pursuant to Chapter 16/-30, Code of Laws, Leon County, Florida (See attached Resolution R04-18); 3) Adopt the attached Non-Ad Valorem Assessment Resolution pursuant to Section 197.3632, Florida Statutes. The motion carried unanimously, 6/0 (Commissioner Maloy out of Chambers), Resolution R04-19:

50. Public Hearing, Approve the Annual Disposal Charge for the Solid Waste Non-Ad Valorem Special Assessment, and Execute Resolutions Ratifying the Assessment Roll and Certify the Roll to the Tax Collector

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0, to approve Options 1 and 2: 1) Conduct Public Hearing and adopt the Resolution establishing the annual disposal charge for the Solid Waste non-ad valorem special assessment in the amount of \$40 per residential unit for FY 2004-05: 2) Adopt the attached resolution ratifying and confirming the Special Assessment Roll for solid waste disposal and certification to the Tax Collector:

51. Public Hearing on Proposed Revisions to the County's Vested Rights Ordinance, Concurrency Ordinance, and Leon County Concurrency Policies and Procedures Manual

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Maloy out of Chambers), to approve Option 11: Conduct the first of two public hearings on the proposed revisions to the Vested Rights and Concurrency Management Ordinances and Leon County Concurrency Policies and Procedures Manual regarding the sunseting of vested rights for unbuilt residential subdivisions (Section 10-98 and & Section 10-140(d) and schedule the second public hearing on July 27, 2004.

52. Public Hearing on the Proposed Bradfordville First Baptist Church Type C Site and Development Plan

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Grippa requested that the following be read into the public record (from the Bradfordville, Lake McBride Settlement Agreement): That this facility should be allowed a portion of the residential property, provided that it does not include a cemetery, a day school, an adult congregate living facility, or nursing home or similar activity."

Commissioner Grippa moved, duly seconded by Commissioner Thael to Approve Option 1: Conduct the first of two public hearings on the proposed revisions to the Vested Rights and Concurrency Management Ordinances and Leon County Concurrency Policies and Procedures Manual regarding the sunseting of vested rights for unbuilt residential subdivisions (Section 10-98 & Section 10-140-d) and schedule the second public hearing on July 27, 2004. The motion carried unanimously, 6/0 (Commissioner Maloy out of Chambers).

53. First Public Hearing to Amend the Environmental Management Act (EMA) to Comply with the Comprehensive Plan Amendment, Cycle 2003-2, to the Fred

George Basin Special Development Zone (SDZ) A Elevation and Building Elevation

Pursuant to legal advertisement, a public hearing was conducted:

Commissioner Thael moved, duly seconded by Commissioner Winchester, to approve Option 1: Conduct the first public hearing to amend the Environmental Management Act (EMA) to comply with the Comprehensive Plan Amendment, cycle 2003-2, to the Fred George Basin Special Development Zone (SDZ) elevation and building elevation, and schedule the second public hearing for July 27, 2004. The motion carried unanimously, 6/0 (Commissioner Maloy was out of Chambers).

The Board then resumed discussion of Consent, Item 15.

County Attorney

Informed the Board that Commissioner Winchester, as the Board's designee, attended mediation yesterday regarding Commissioner Maloy's attorney's fees and indicated that a settlement proposal was suggested. Commissioner Winchester suggested that the Board decide on how to respond to the mediation and proposed settlement. Since this involves pending litigation, County Attorney Thiele recommended conducting an attorney-client meeting. It was noted that the settlement offer made during mediation would expire at the end of July.

Commissioner Thael moved, duly seconded by Commissioner Winchester to schedule an Attorney-Client meeting. Commissioner Thael withdrew his motion.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael, to agenda the issue for the July 27, 2004 Regular Board Meeting. The motion failed 4 – 3 (Commissioners Sauls, Thael, Maloy, and Winchester voted in opposition).

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to extend the meeting to 1:00 p.m.

Commissioner Thael moved, duly seconded by Commissioner Winchester, to schedule the Attorney-Client Meeting on the afternoon of July 27, 2004. The motion carried 4 – 3 (Commissioners Grippa, Proctor, and Rackleff voted in opposition).

Chairman Sauls requested the County Attorney to research whether Commissioner Maloy can be barred from attending the meeting or if he can be asked to voluntarily leave the meeting or not attend.

County Administrator

Add-On:

Request to approve a Resolution Opposing the Additional \$25,000 Homestead Exemption Initiative and Authorization of Special Assessment Payment of \$14,966 to the Florida Association of Counties to Fund a Public Education Campaign and Approval of a Related Budget Amendment.

The Board indicated that it would have a catastrophic financial impact on Leon County if the exemption were approved.

Commissioner Thael moved, duly seconded by Commissioner Rackleff to approve Options 1, 2, and 3:

- 1) Approve the attached resolution that opposes the state constitutional amendment that would authorize an additional \$25,000 homestead tax exemption;
- 2) Authorize payment of the statewide voluntary assessment to the Florida Association of Counties in the amount of \$14,966 to oppose this additional homestead tax exemption;
- 3) Approve the attached budget amendment request form transferring \$16,762 from the general fund contingency account for payment of the FAC special assessments on homestead exemption constitutional amendment and the DJJ cost shift, respectively.

The motion carried 4 – 3 (Commissioners Grippa, Proctor, and Winchester voted in opposition. (Those in opposition were opposed to spending \$15,000 to join FAC in opposing the additional homestead exemption.)

Discussion Items by Commissioners

54. Approval of Watershed Protection Initiative (Commissioner Thael)

This item was removed from the agenda.

Commissioner Thael

- a. Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to agenda a Comprehensive Plan Amendment, removing Commercial Sports use from the urban fringe service area as a designated land use.
- b. Advised that his designee on the Educational Facilities Authority has resigned and asked that this be placed on the agenda.
- b. Requested a status report for the July 27th Board meeting on the environmental impacts and highway safety issues as a result of four-laning and construction of Highway 319, Crawfordville Highway, involving the Korean Church sinkhole. Tony Park, Public Works Director would obtain information from FDOT and GEM staff would look at environmental impacts.

Commissioner Rackleff

Reported that on Monday, July 19th, he would be on a panel at the Transportation Committee of NACO talking about greenways and trails.

Commissioner Proctor

- a. Requested a resolution for Harriet Williams in honor of her retirement from the Leon County Court System.
- b. Commissioner Proctor asked the County Attorney what he would need to do to have Consent Agenda Item 22 continued to the next Board meeting. County Attorney Thiele explained that a motion to reconsider the entire Consent Agenda would be necessary. * See agenda Item 21 showing the action taken by the Board.
- c. Commissioner Proctor moved, duly seconded by Commissioner Thael to request staff to investigate, and bring back as an agenda item if necessary, information regarding the capping of an abandoned well by Lake Talquin Water Company on Tomberlin Road in Woodville. The motion carried unanimously, 6/0 (Commissioner Winchester was out of Chambers).

Commissioner Grippa

- a. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Winchester out of Chambers), to request the Board agenda at the July 27th Board meeting, the initiation of a Comprehensive Plan Amendment in the upcoming cycle regarding the consensus

reached on the Urban Service Area (incorporating the recommendations of the Board of Realtors' "Residential Lot Availability and Affordability" Committee Report. Staff will provide insights on infrastructure impact.

Commissioner Proctor requested that staff provide a copy of the Woodville Comprehensive Plan Amendment that he proposed several years ago.

- b. Requested adoption of a resolution honoring Ted Thomas as the Children's Home Society's Child Advocate of the Year.
- c. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 5/0 (Commissioners Maloy and Winchester were out of Chambers), for "Count Every Military Absentee Ballot" and present to Bill Lemocks and delegates of the American Legion.
- d. Requested that the County Attorney bring back information regarding who owns Pisgah Church Road and/or right-of-way and what is needed to get the road paved.
- e. Requested that staff bring back a status report on the Centerville Trace 2/3-2/3 paving project.

Commissioner Thaell moved, duly seconded by Commissioner Grippa and carried unanimously, 5/0 (Commissioners Maloy and Winchester were out of Chambers to extend the meeting to 1:15 p.m.

*Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried 4 – 1 (Commissioner Rackleff voted in opposition and Commissioners Maloy and Winchester were out of Chambers), to reconsider Agenda Item 27. *See Item 27 for Board action.*

Chairman Sauls

Announced that Senator Lawson has advised that there is a need for funding for Tallahassee Eagles, a basketball tournament, who will be traveling to Indiana. Chairman Sauls advised Senator Lawson that the County's funds were frozen at this time but would take it to the Board. No action was taken.

There being no further business to come to the Board, the meeting was adjourned at 1:08 a.m. July 14, 2004.

APPROVED: _____
Jane Sauls
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court